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IN THE HIGH OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION NO. 2229 /2003

CHHOF

S.C. Gupta,
S/o- Dubraj Gupta
Aged about 45 years,
Employed as Chief Executive Officer,
Janpad Panchayat Tamnar,
Distt Raigarh,

.....PETITIONER

VERSUS

1. State of Chhattisgarh,
Through- Deputy Secretary,
SC, ST, OBC and Minorities Welfare Deptt.
Mantralaya, D.K.S Bhawan,
Raipur (C.G.)

P. R. No. 21/1/03
Presented by Shri Manoj Mishra
dated 23/1/03

2. S.K. Vahane
Chief Executive Officer
Janpad Panchayat
Kansabel Distt: Jashpur (C.G.) ...RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF APPROPRIATE DIRECTIONS / ORDERS / WRITS.

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.2229 OF 2003

Petitioner : S.C. Gupta

versus

Respondents : State of Chhattisgarh and another

Present : Mrs. Reeta Haldar, counsel for the petitioner.
Mr. A.S.Kachhawaha, Government Advocate for respondent No.1/State.
None appears for respondent No.2.

ORDER
(Passed on 9th of November, 2006)

The petitioner was employed as Additional Assistant Development Commissioner-cum-Chief Executive Officer. The petitioner was posted at Charama, District Kanker from the date of appointment, i.e., 26-6-1998 (Annexure P-2) till 1-10-2001. From 1-10-2001, the petitioner was transferred in public interest to Katghora, District Korba on the post of Chief Executive Officer, Janpad Panchayat vide order dated 4-7-2001 (Annexure P-3). Then again, by order dated 27-11-2002 (Annexure P-5), the petitioner was transferred to Tamnar, District Raigarh in the same capacity. Thereafter, on the basis of some complaints, the petitioner was transferred by order dated 18-6-2003 (Annexure P-1) from Janpad Panchayat Tamnar to Janpad Panchayat Kansabel as Chief Executive Officer. The order dated 18-6-2003 is impugned in this writ petition. The petitioner has challenged the validity

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of the transfer order dated 18-6-2003 on the sole ground of frequent transfers.

2. Be that as it may, by virtue of interim order dated 25-8-2003 passed by this Court, the petitioner continued at Janpad Panchayat Tamnar, District Raigarh till date. The petitioner has already enjoyed the benefit of the interim order. The petitioner cannot be permitted to be posted at one place forever.

3. Without going into validity of the impugned order, the respondents – authorities are accordingly directed not to insist on compliance of the order dated 18-6-2003 (Annexure P-1) in the facts and circumstances of the case. The respondents – authorities may place/post the petitioner at any place, if public interest and/or administrative exigency require.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

5. For the reasons above-stated and as a result, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal